

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Christopher Busby,

Plaintiff,

Case No. 24-12064

v.

Judith E. Levy

United States District Judge

Jonathan Hemingway, *et al.*,

Mag. Judge David R. Grand

Defendants.

_____/

**OPINION AND ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION TO STAY [10]**

Before the Court is Plaintiff Christopher Busby's "motion for stay of abeyance with regards to a 42 U.S.C. § 1983." (ECF No. 10, PageID.32.) Plaintiff filed the complaint in this case on August 7, 2024. (ECF No. 1.) This suit relates to events that took place on September 28, 2021, at the Federal Correctional Institution in Milan, Michigan. (*Id.* at PageID.4–5.)

Plaintiff's motion to stay was originally filed in *Busby v. Bureau of Prisons*, Case No. 20-11713 (E.D. Mich.) on July 23, 2024. *Id.*, ECF No. 20, PageID.429 (E.D. Mich. Mar. 14, 2025). That case involves a petition for the writ of habeas corpus under 28 U.S.C. § 2241, in which inmates,

including Busby, “claimed that they were at risk of contracting the COVID-19 virus while incarcerated.” (*Id.*) The petition was denied on January 29, 2021. (*Id.*)

On March 14, 2025, the court in *Busby v. Bureau of Prisons* transferred the motion for a stay to this case, stating that “it appears that *Busby v. Hemingway, et al.*, No. 5:24-cv-12064, is the case in which Petitioner sought to file his Motion.” (*Id.* at PageID.430.) The court ordered that the Clerk of Court transfer this motion to this case.

The Court has carefully reviewed Plaintiff’s motion “for stay of abeyance with regard to a 42 U.S.C. § 1983.” (ECF No. 10, PageID.32.) Plaintiff’s motion is addressed to both the District of Nevada and the Eastern District of Michigan, “[w]hich ever jurisdiction is appropriate to make a ruling.” (*Id.* at PageID.41.)

Plaintiff states that a stay is appropriate because he was assaulted at the Nevada Southern Detention Center on May 10, 2024, suffered serious physical injuries, and has been undergoing medical treatment. (*Id.* at PageID.37–38.) He also states that he “has satisfied the exhaustion of administrative remedies . . . with regard to the (“BOP’s”) policies and procedures of the Administrative Claims Under Federal Tort

Claims Act” and received a “letter of notice by the (“BOP”) denying Plaintiff’s request for compensation for a personal jury claim.” (*Id.* at PageID.34.) The letter of notice was signed on February 6, 2024. (*Id.*) Plaintiff does not describe the underlying incident related to this letter of notice, but notes that he “has not been able to fully exhaust the May 10th, 2024 incident,” indicating that it is a separate event. (*Id.* at PageID.34–35.) Further, Plaintiff also argues he is entitled to a stay because of an ongoing 28 U.S.C. § 2255 habeas petition, and because he may submit a “change of venue request.” (*Id.* at PageID.35, 39.)

Plaintiff’s motion is denied without prejudice because it does not appear to be related to this suit, *Busby v. Hemingway*, Case No. 24-12064. The motion for a stay is dated July 10, 2024 (ECF No. 10, PageID.42), predating the complaint in this case, which is dated July 31, 2024, and docketed on August 7, 2024. (ECF No. 1, PageID.11.) The Court also notes that the United States District Court for the District of Nevada denied a “Motion for Stay of Abeyance with Regards to a 42 U.S.C. § 1983” in Plaintiff’s criminal suit. *See United States of America v. Busby*, Case No. 2:15-cr-00353-GMN-NJK, ECF No. 259 (D. Nev. July 31, 2024) (“The motion appears to relate to Defendant’s desire to bring a civil lawsuit . .

.. It is not clear why this request regarding a potential civil rights lawsuit is being filed in this criminal case.”) Finally, it is not clear to the Court how his requests for an abeyance relate to this case, the scope of the requested abeyance, and why Plaintiff is entitled to this relief.

For the reasons set forth above, Plaintiff’s motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: March 17, 2025
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 17, 2025.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager